

# DECISION



## THE COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON, D.C. 20548

FILE: B-183880

DATE: July 30, 1975

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97330

MATTER OF: Propserv Incorporated

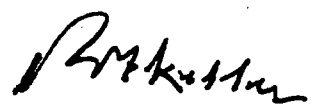
### DIGEST:

Request for remission of liquidated damages assessed by Navy is denied since Navy's refusal to recommend revision precludes GAO under 10 U.S.C. 2312 from remitting all or part of such damages.

By letter dated May 2, 1975, Propserv Incorporated requested relief from an assessment of liquidated damages, in the amount of \$83,253.00, by the Navy under contract No. N62467-75-C-0209.

By report dated July 1, 1975, the Navy recommended against remission of the liquidated damages assessed under the subject contract. Under 10 U.S.C. 2312 our Office is authorized to remit liquidated damages in whole or in part upon the recommendation of the head of the contracting agency. In regard to the instant request for relief, it has consistently been our position that the cited statute clearly contemplates that a favorable recommendation by the head of the agency concerned is a prerequisite to any remission action by our Office. See Lasko Metal Products, Incorporated, B-180174, July 24, 1974; B-175180, May 11, 1972.

Consequently, we are unable to grant Propserv remission of all or any part of the liquidated damages assessed.

  
Deputy Comptroller General  
of the United States